



DISTRICT COURT OF MARYLAND FOR Frederick County

Located at 100 West Patrick St, Frederick, Maryland 21701



Case No. D-111-CR-23-001297

STATE OF MARYLAND

VS.

DISCAVAGE, JOHN

22 YANKEE DRIVE

KEEDYSVILLE, MD 21756-0000

CC#:

SID:

FBI#:

LID:

DL#:

Race: W Sex: M

Ht: 5' 08"

Wt: 215

Hair: BRO Eyes: BRO

DOB: 01/22/1974

Home phone: 240-498-4485

Cellphone:

Charge | Statute | Arrest

ASSAULT-SEC DEGREE | CR 3 203 |

Charge | Statute | Arrest

STALKING | CR 3 802 (c) |

CRIMINAL SUMMONS ON CHARGING DOCUMENT

STATE OF MARYLAND, Frederick County, to wit:

To the defendant:

YOU ARE SUMMONED AND COMMANDED to appear for a Trial/Hearing on a date to be set by the Clerk to answer the charge(s) lodged against you in the charging document attached hereto.

NOTICE TO DEFENDANT: If you fail to appear at the place, time and date set forth above, a warrant for your arrest may be issued. If you change your name, address, or telephone number, you must notify the court at the above location prior to the hearing/trial date. To request a foreign language interpreter or a reasonable accommodation under the Americans with Disabilities Act, please contact the court immediately. **TTY users call Maryland RELAY: 711.** Possession and use of cell phones and other electronic devices may be limited or prohibited in designated areas of the court facility.

Date: 06/14/2023

Judge/Commissioner/Clerk: 

ID: B035

Given to: FREDERICK COUNTY SHERIFF'S DEPT

NOTICE TO OFFICER: If not served by 07/14/2023, return to the Court.

ACKNOWLEDGEMENT

I acknowledge receipt of a copy of this Summons and Charging Document and hereby promise to appear in the District Court as directed by the Summons. I understand that acceptance of this Summons is not an admission of guilt but that my failure to appear at the place, time and date herein set forth will result in the issuance of a warrant for my arrest.

Date: _____

Signature of Defendant: _____

RETURN OF SERVICE

☐ I certify that I delivered a copy of this Summons and Charging Document to the defendant personally at

_____ o'clock ____ M. on _____ at _____
Date Place

☐ I certify that the defendant could not be found.

☐ I certify that I personally attempted to deliver a copy of this Summons and Charging Document to the defendant, but they refused to accept and/or sign a receipt for the document(s).

Signature of Issuing Officer

Officer's Title

Printed Name of Officer

Date

Agency, Sub Agency, I.D.



DISTRICT COURT OF MARYLAND FOR Frederick County

Located at 100 West Patrick St, Frederick, Maryland 21701



Case No. D-111-CR-23-001297

STATE OF MARYLAND

VS. DISCAVAGE, JOHN

COMPLAINANT:

AUFDEM-BRINKE, CHARLOTTE
9807 POND RUN COURT
MYERSVILLE, MD 21773

22 YANKEE DRIVE
KEEDYSVILLE, MD 21756

CC#:

SID:

FBI#:

LID:

DL#:

Race: W Sex: M

Ht: 5' 8"

Wt: 215

Hair: BRO Eyes: BRO

DOB: 01/22/1974

Home phone: 240-498-4485

Cellphone:

STATEMENT OF CHARGES

UPON THE FACTS CONTAINED IN THE APPLICATION OF AUFDEM-BRINKE, CHARLOTTE IT IS FORMALLY CHARGED THAT DISCAVAGE, JOHN at the dates, times and locations specified below:

NUM	CHG/CIT	STATUTE	PENALTY	DESCRIPTION OF THE CHARGE
001	1 1415	CR 3 203	10 Y &/or \$2,500.00	ASSAULT-SEC DEGREE On or About 03/05/2023 9807 POND RUN COURT MYERSVILLE, MD did assault Charlotte Aufdem-Brinke in the second degree in violation of CR 3-203, contrary to the form of the act of the assembly in such case made and provided and against the peace, government, and dignity of the state. Against the Peace, Government, and Dignity of the State.
002	1 6525	CR 3 802 ((c))	5 Y &/or \$5,000.00	STALKING On or About 03/15/2023 - 06/14/2023 9807 POND RUN COURT MYERSVILLE, MD ...did engage in stalking Charlotte Aufdem-Brinke . Against the Peace, Government, and Dignity of the State.

Date : 06/14/2023 Time : 12:45 PM

Tracking No. 231001158953

Judicial Officer: _____

B035

DV

**DISTRICT COURT OF MARYLAND**LOCATED AT (COURT ADDRESS)
100 W. Patrick Street

Frederick, Maryland 21701

Frederick County

D-111-CR-23-001297

City/County)

CASES:

**COMPLAINANT****DEFENDANT**

Printed Name Charlotte Aufdem-Bornke
Address 9807 Pond Run Court
City, State, Zip Myersville MD 21773 Telephone 301-514-6827

Printed Name John Discauge
Address 22 Yankee Drive
City, State, Zip Keedysville MD 21756 Telephone 240-498-4485
CC# _____

Agency, Sub-agency, and I.D. #

(Officer Only)

DEFENDANT'S DESCRIPTION: Driver's License # _____ Sex M Race W Ht 5'8 Wt 215
Hair Brown Eyes Brown Complexion Tan Other _____ DOB 1/22/74 ID _____

APPLICATION FOR STATEMENT OF CHARGES

Page 1 of _____

(Include a statement of facts within your personal knowledge (what you saw or heard, what someone said to you, etc.) showing that there is probable cause to believe that a crime has been committed and that the defendant has committed it. Please see the "NOTICE TO APPLICANT FOR A CHARGING DOCUMENT" for further information.)

I, the undersigned, apply for a statement of charges and a summons or warrant which may lead to the arrest of the above named defendant because on or about March 5, 2023 at 9807 Pond Run Court Myersville MD 21773
John Discauge, the above named defendant

On the evening of March 5, 2023, John Discauge was at my home at 9807 Pond Run Court. Mr Discauge had become extremely intoxicated, and was being argumentative, so I went to bed. At that time, Mr. Discauge came into the bedroom and continued to attempt to pick a fight. He was

(Continued on attached _____ pages) (DC-CR-001A)

I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief.

Date

Officer's Signature

I have read or had read to me and I understand the notice on the back of this form.

Printed Name

Date

Applicant's Signature

Printed Name

Subscribed and sworn to before me

Date

at

Time

AM PM

Judge/Commissioner

Commissioner

ID Number

I understand that a charging document will be issued and that I must appear for trial ☐ on _____ Date _____
at _____ Time _____, ☐ when notified by the clerk, at the court location shown at the top of this form.

☐ The applicant requests reasonable protection for safety of the alleged victim or the victim's family:

☒ I have advised applicant of the right to request shielding. ☐ The applicant declines shielding.
☐ I declined to issue a charging document because of lack of probable cause.

Date

ner

ID Number



DISTRICT COURT OF MARYLAND FOR Frederick County

(City/County)

LOCATED AT (COURT ADDRESS)

100 West Patrick Street
Frederick, MD 21701DISTRICT COURT
CASE NUMBER

DEFENDANT'S NAME (LAST, FIRST, M.I.)

Discavage, John R

APPLICATION FOR STATEMENT OF CHARGES (CONTINUED) Page 1 of 1

Seemingly jealous that I had texted my ex-husband Dan Aufdem-Brinke, with whom I have children, several times to check on the kids and for a few reasons relating to our business. Mr. Discavage began to pace around the house, continuing to pour himself drinks. He picked up one of my son's footballs and threw it, breaking a picture. He could not find his phone, but later I believe found it in his car. As he continued to argue, he insisted that he was going to leave, and I advised him repeatedly that there was no way he should drive being as intoxicated as he was. I hid his keys to prevent him from driving, and advised that he was welcome to sleep on the couch or get an uber but under no circumstances should he drive. At this point, I had gotten out of bed because I could hear him rummaging around. As I walked into the dining room, Mr. Discavage took my purse off the table, and dumped the entire contents all over the table and began to dig through it all. He grabbed my car key and said that he would take my car. I told him if he tried to take my car, I would call the police. I noted to him what a mess he had made of my purse, and as I turned away from the table towards Mr. Discavage, he walked at/by me with a drink still in one hand, and with his other hand, smashed the

Date

6/14/23

Applicant's Signature

Charlotte Aufdem-Brinke

Printed Name



DISTRICT COURT OF MARYLAND FOR Frederick County

(City/County)

LOCATED AT (COURT ADDRESS)

100 West Patrick Street
Frederick, MD 21701DISTRICT COURT
CASE NUMBER

DEFENDANT'S NAME (LAST, FIRST, M.I.)

Discavage, John R

APPLICATION FOR STATEMENT OF CHARGES (CONTINUED) Page 2 of

cellphone I was holding to record all this incident into my face as he walked by, pushing me aside and going back out to his car to rummage around. I was taking video since Mr. Discavage had tried to take my keys, and I have video of Mr. Discavage smashing the phone into my face as I exclaim "oww!" At this point, because I did not want further interaction and felt unsafe, and did not want things to escalate further, I locked my door. Mr. Discavage found his phone in his car and began to text me, up to the point that an uber came to get him. The next morning, I texted him to let him know I had his keys, he was welcome to them, and that as I had told him the night before, I did not want him driving as intoxicated as he was where he could have hurt or killed himself or someone else drinking and driving. As you can see in the video, Mr. Discavage was clearly heavily intoxicated. I had in the past had several other instances of this nature with Mr. Discavage, such as him pushing me backwards out of a room and slamming my arm in a door, but those occurred in Washington County at his home. After the incident with Mr. Discavage on 3/5/23 at my home, I ended the relationship on 3/15/23, and blocked contact on my phone. However, he

6/14/23

Date

Applicant's Signature

Charlotte Aufdem Brinke

Printed Name

**DISTRICT COURT OF MARYLAND FOR Frederick County**

(City/County)

LOCATED AT (COURT ADDRESS)

100 West Patrick Street
Frederick, MD 21701DISTRICT COURT
CASE NUMBER

DEFENDANT'S NAME (LAST, FIRST, M.I.)

Discauge John R.

APPLICATION FOR STATEMENT OF CHARGES (CONTINUED) Page 2 of

was aware that he had promised to repay me the over 100,000 that I had previously invested into his property and into a retainer for the ABC case against him. As I had not been able to resolve this issue privately with Mr. Discauge, I had to retain an attorney to represent me in trying to obtain my money back. My attorney notified Mr. Discauge around 4/16 or 4/17 2023 that we would be forced to file suit if Mr. Discauge did not offer a reasonable resolution. At this point, unsolicited and without my permission, Mr. Discauge arrived at my house while I wasn't home and left several disturbing notes on my porch. That same week, Mr. Discauge created a dating profile online and "liked" my new dating profile to bother me. Mr. Discauge was well aware that I did not want contact with him, and had even emailed me because he knew I had blocked him, acknowledging the block. I felt that this behavior was a form of harassment because Mr. Discauge knew I planned to file suit imminently.

The reason that I am bringing this to your attention now is that since I have filed suit against Mr. Discauge and reported his behavior to the ABC, along with

6/14/23

Date

Applicant's Signature

Charlotte Asken Brinke

Printed Name



DISTRICT COURT OF MARYLAND FOR Frederick County

(City/County)

LOCATED AT (COURT ADDRESS)

100 West Patrick Street
Frederick, MD 21701DISTRICT COURT
CASE NUMBER

DEFENDANT'S NAME (LAST, FIRST, M.I.)

Discavage, John R

APPLICATION FOR STATEMENT OF CHARGES (CONTINUED) Page 4 of

reporting the lawsuit to the ABC, Mr. Discavage has engaged in what I feel is extremely retaliatory behavior meant to intimidate and bully me. He has texted and emailed my sister repeatedly, saying untrue things about me and seemingly trying to triangulate and manipulate her. This bothers her, but she has been afraid to block him or tell him not to contact her because she says that every time she tries, he accuses her of "plotting against him," and being that she has already had a phone call from an anonymous source "doxing" her at her job, and has received back to back calls from unknown numbers, she is fearful. She wishes to be left alone. In addition, in continued acts of retaliation and harassment against me, Mr. Discavage has gone onto Facebook to post supportive of me and my business, and intentionally released both information about my business that was confidential and privileged, since I had sought his legal advice, and also made false statements meant to demean me as the owner. He has also seemingly begun to collude and share private and confidential information with someone he is well aware that I have both a temporary protective and subsequent consent order against.

06/14/23
Date

Applicant's Signature

Charlotte Andersen Binko
Printed Name

**DISTRICT COURT OF MARYLAND FOR** Frederick County

(City/County)

LOCATED AT (COURT ADDRESS)

100 West Patrick Street
Frederick, MD 21701DISTRICT COURT
CASE NUMBER

DEFENDANT'S NAME (LAST, FIRST, M.I.)

Discavage, John R

APPLICATION FOR STATEMENT OF CHARGES (CONTINUED) Page ____ of ____

This all appears to be an attempt to bully, harass, and intimidate me. Because of Mr. Discavage's recent behavior, and not knowing how to get him to stop, I felt it necessary to bring this information today. It is my wish that Mr. Discavage stop his retaliatory, bullying behavior and that he not contact and stay away from me, my children, and my family. Thank you for your consideration

6/14/23

Date

DC-CR-001A (Rev. 04/2015)

C Brinko

Applicant's Signature

Charlotte Alden Brinke

Printed Name

TRACKING NUMBER

NOTICE OF ADVICE OF RIGHT TO COUNSEL FOR ALL JUDICIAL PROCEEDINGS

TO THE PERSON CHARGED:

1. This paper charges you with committing a crime.
2. If you have been arrested and remain in custody, you have the right to have a judicial officer decide whether you should be released from jail until your trial.
3. If you have been served with a citation or summons directing you to appear before a judicial officer for a preliminary inquiry at a date and time designated or within five days of service if no time is designated, a judicial officer will advise you of your rights, the charges against you, and penalties. The preliminary inquiry will be cancelled if a lawyer has entered an appearance to represent you.
4. You have the right to have a lawyer.
5. A lawyer can be helpful to you by:
 - (A) explaining the charges in this paper;
 - (B) telling you the possible penalties;
 - (C) explaining any potential collateral consequences of a conviction including immigration consequences;
 - (D) helping you at trial;
 - (E) helping you protect your constitutional rights; and
 - (F) helping you to get a fair penalty if convicted.
6. Even if you plan to plead guilty, a lawyer can be helpful.
7. If you are eligible, the Public Defender or a court-appointed attorney will represent you at any initial appearance before a judicial officer and at any proceeding under Rule 4-216.2 to review an order of a District Court commissioner regarding pretrial release. If you want a lawyer for any further proceeding, including trial, but do not have the money to hire one, the Public Defender may provide a lawyer for you. To apply for Public Defender representation, contact a District Court commissioner.
8. If you want a lawyer but you cannot get one and the Public Defender will not provide one for you, contact the court clerk as soon as possible.
9. **DO NOT WAIT UNTIL THE DATE OF YOUR TRIAL TO GET A LAWYER.** If you do not have a lawyer before the trial date, you may have to go to trial without one.

Contact information for District Court Commissioner's Offices can be found at:

<http://www.mdcourts.gov/district/directories/commissionermap.html>

If you require further information about qualifying for a Public Defender, call 1-833-453-9799.

NOTICE TO DEFENDANT

1. **MUST APPEAR** - If the offense with which you are charged is a 'MUST APPEAR' offense, you may not waive trial but are required to appear in court when notified. PLEASE NOTE THAT FAILURE TO APPEAR MAY RESULT IN A WARRANT FOR YOUR ARREST.
2. **PRESET FINE** - You must either pay the preset fine, request a waiver hearing, or request a trial date within 30 days after receipt of the citation/summons/warrant.

NOTE: If charged by citation, follow instructions on the citation. **IF CHARGED BY STATEMENT OF CHARGES (SUMMONS OR WARRANT), CHECK ONE OF THE FOLLOWING OPTIONS, SIGN AND DATE, AND MAIL THIS FORM, ALONG WITH A COPY OF THE STATEMENT OF CHARGES (SUMMONS OR WARRANT) TO THE ADDRESS SHOWN BELOW:**

☐ **OPTION #1:**

Pay the full amount of the preset fine at any District Court of Maryland location, or with a credit card at the Maryland Judiciary Website or by phone (see below) or by mail to the address shown below.

To pay by mail:

- Make your check or money order payable to the District Court of Maryland. Include citation number(s) you wish to pay on check.
- An additional \$10 service fee will be imposed for each dishonored check.

☐ **OPTION #2:**

Request a Waiver Hearing: I admit I committed the violation in this Statement of Charges, and I request a waiver hearing to explain the circumstances to a judge. I understand this is not a trial, the officer and witnesses will not be present, and my appearance in court is for sentencing only.

☐ **OPTION #3:**

Request a trial date: I request a trial date for the violation(s) charged.

Date

Signature

**District Court Traffic Processing Center
District Court of Maryland
P.O. Box 6676
Annapolis, MD 21401-0676**

Please note that payment in full of the preset fine will close the violation and result in the entry of a conviction for the violation(s). Please note further that points will be assessed by Motor Vehicle Administration (MVA) on your driving record after conviction of a violation of the Motor Vehicle Laws of this State. If you fail to comply with one of the above options within 30 days of receipt of a citation/summons/warrant, MVA will be notified and may take actions to suspend your license. Driving on a suspended license is a criminal offense for which you could be incarcerated.

FOR MORE INFORMATION AND TO PAY CITATIONS:

Visit the MD Judiciary Website at www.mdcourts.gov/district or call the Interactive Voice Response (IVR) System for trial dates, court locations, and directions.

From all areas including out-of-state calls: 1-800-492-2656

TTY users call Maryland RELAY: 711

I have read or have had read to me the contents of the above notice and acknowledge receipt of a copy thereof.

Date

Defendant

Date

Judge/Commissioner

IMPORTANT NOTICE

The attached papers charge you with committing a crime. Depending on the crime charged, a **jail sentence** could be imposed by the court if you are found guilty. You have a right to be represented at trial by a lawyer. **ACT IMMEDIATELY** to obtain a lawyer. If you cannot afford a lawyer, you may apply for the Public Defender through the **District Court Commissioner** who will determine if you are eligible for the Public Defender to represent you at trial. If you wait too long to retain the Public Defender or private counsel you can be made to stand trial without a lawyer. Applications are accepted at any District Court Commissioner's Office during operating hours. Please contact the office listed below for operating hours:

District Court Commissioner Station for Frederick County
7300 MARCIE'S CHOICE LANE
Frederick, MD 21704
1-833-453-9799

You should bring the following papers to apply for the Public Defender's services:

1. Court charging documents/traffic tickets. (Statement of Charges/all documents issued to you by court).
2. Trial date notices from the court. (You may apply even if no trial date has been received.)
3. If you are employed:
Written proof of salary, pay stubs, or other written verification of income for the last two pay periods.
4. If you are unemployed:
Proof of public assistance, medical assistance, Social Security or Supplemental Security Income (SSI), or other assistance you are receiving.

For more information on operating hours or locations visit the Maryland Judiciary website:
mdcourts.gov/district/directories/commissionermap
If you require further information about qualifying for the Public Defender, call 1-833-453-9799.

IMPORTANT

IF THE COMMISSIONER DETERMINES THAT YOU ARE ELIGIBLE TO BE REPRESENTED BY THE PUBLIC DEFENDER AT TRIAL, YOU WILL RECEIVE A **FINAL QUALIFICATION** IN WRITING. ONCE YOU HAVE RECEIVED THE FINAL QUALIFICATION, ALL QUESTIONS SHOULD BE DIRECTED TO THE PUBLIC DEFENDER'S OFFICE:

The address of the Public Defender is: **COURTHOUSE**
100 WEST PATRICK STREET
FREDERICK, MARYLAND 21701

Their telephone number is: **301-600-1988**

The Office of the Public Defender is open weekdays from 8:30 a.m. to 4:30 p.m.

I have read, or have had read to me, the contents of the above notice and acknowledge receipt of a copy thereof.

DATE

SIGNATURE OF DEFENDANT

**IF YOU DO NOT HAVE A LAWYER ON THE TRIAL DATE, YOU MAY
HAVE TO GO TO TRIAL WITHOUT THE ASSISTANCE OF A LAWYER.**